



Sewer Waiver

Handout #48 Revised: 3/17/03

Why are Sewer Waivers Required?

New structures located within Urban Growth Areas (UGA) are required to connect to a public sewer system. All new land divisions within an UGA must make provision for the connection of all new structures to a public sewer system. The Planning Director can issue a waiver to this requirement if the structure or development meets certain exceptions.

What are these “exceptions” that allow for a sewer waiver?

For New Structures

- (1) The new structure is an alteration, expansion or replacement of an existing structure which will not entail a material increase in sewerage effluent production;
- (2) The new structure lawfully incorporates no on-site sewerage system;
- (3) The new structure is for single-family residential use or non-residential use, generating a projected effluent flow of not more than one seven hundred (700) gallons, per acre, per day, provided:
 - Such use does not generate hazardous or dangerous waste, as defined by applicable federal, state or local law; and,
 - Extension of public sewer is impractical based upon the following criteria:
 - ❖ Public sewer would have to be extended more than three hundred (300) feet;
 - ❖ Necessary permission cannot be obtained from intervening landowner(s); or,
 - ❖ Intervening property contains natural or manmade obstructions, such as deep canyons, elevation changes, and solid rock impediments which make public sewer extension prohibitively expensive or undesirable; and,
 - ❖ A covenant to the county and sewer purveyor is recorded which commits the current and future property owner(s) to connect to public sewer within twelve (12) months of sewer becoming available. The covenant shall also contain a provision that commits the current and future property owner(s) to participate in a future local improvement district if this is the method used to extend sewer.

NOTE: The City of Vancouver and the Hazel Dell Sewer District review sewer availability within 200 feet. The applicant is responsible for requesting a 300-foot review! Utility reviews of 200 feet will not be accepted for a sewer waiver under CCC 13.08A.120(4)(b)(i).

For Land Divisions (Clark County Code, Section 13.08A.130)

Inside Urban Growth Areas, connection to public sewer is required as a condition of approval for land divisions unless the Planning Director determines that one of the following exceptions applies:

- (1) A 2-lot land division approved where one of the lots is, or will be, developed in a use that generates no sewage effluent. Any plat approved under this exception shall record a covenant prohibiting the installation of plumbing fixtures for any use on the designated lot unless the lot connects to sewer.
- (2) Short plats approved under Section 18.411.010(C) as follows:
If at the time of passage of the ordinance codified in the Clark County Code, a lot of record was lawfully occupied by two (2) or more single-family residences, such lot may be granted short plat approval (under CCC, Title 17). In order to permit the segregated sale of such residences, even though some or all of the resulting new lots will have dimensions less than required for the zoning district in which the property is located. This will be accepted provided the degree of density nonconformity shall not be increased. All lots shall have a minimum of twenty (20) feet of access to a public or private street.

*Urban enclave area means an area within a Urban Growth Area (UGA) which includes a small group of parcels and is further characterized by predominantly developed lots of less than twenty-five thousand 25,000 square feet and where:

- (a) Such lots are primarily served by on-site sewage treatment systems; and
- (b) The area is physically isolated from public sewer by man-made or topographical constraints, such as an interstate highway or deep canyon; and
- (c) Public sewer has been extended beyond such area.

Urban fringe area means an area within and typically near the edge of a UGA which is beyond the limit of existing sewer lines (i.e., three hundred (300) feet) and within which urban development has not generally occurred. Additionally, such area must be characterized by a majority of parcels five (5) acres or less in size and be physically isolated from public sewer by one acre or smaller lots, or man-made or topographical constraints, such as an interstate highway, unserviceable elevation, or deep canyon.

NOTE: The recording fees for covenants are \$19.00 for the first page and \$1.00 for all additional pages.

Does the review of a sewer waiver include review of Site Plan Standards?

No. Sewer Waiver review does not include any review for use, bulk or dimensional standards. Site plan review will be required for any non-residential project proposed.

What is the application process?

The first step is to identify the category under which you are requesting the sewer waiver (see above). If it is for a new land division, a complete sewer waiver application submittal package (checklist below) must accompany the land division application. If it is for a new structure, the following must be prepared and submitted with your application:

1. ___ Completed and signed Development Review Application form;
2. ___ Payment of application fees in the amount of **\$394**;
3. ___ A vicinity map and/or an Assessor's Parcel Map;

4. ___ Site Plan – including the location of existing structures, setbacks to lot lines and between buildings, and the location of any on-site septic systems (if applicable);
5. ___ Service availability review from the sewer provider (usually Hazel Dell Sewer District or the City providing service to the area)
6. ___ Covenant Running With the Land (as attached) which the applicant must notarize and certify that the property will connect to public sewer at the appropriate time. (Note: This covenant is required within city sewer service districts and that of the Hazel Dell Sewer District but only for sewer waivers approved under CCC 13.08A. 120(4));
7. ___ Utility Service Covenant and Annexation Agreement (as attached) which the applicant must notarize and certify that the property will connect to public sewer at the appropriate time, AND, that the property owner agrees to participate in future annexations to the City presently or proposing to provide sewer service. (Note: This covenant is only required within city sewer service districts but only for sewer waivers approved under CCC 13.08A. 120(4));
8. ___ **Health District Review** – If the property has an existing building on a septic system, the applicant must submit documentation indicating that the Health District has reviewed the existing septic system or has approved a septic system permit for the system.

If the property has no buildings or septic systems, no Health District documentation is required for this application. (In fact, the Health District requires a Sewer Waiver be obtained prior to completing a development review or issuing a septic system permit.)

Once these items have been completed and assembled, submit the package to the Public Service Center, Customer Service Center, at 1300 Franklin Street, Vancouver, Washington. For land divisions, the application should be submitted and processed in conjunction with the land division application.

What is the approval process?

If you are applying for a Sewer Waiver under CCC 13.08A.120(1) (no increase in effluence) or CCC 13.08A.120(2) (no sewerage facilities), the approval can be completed at the counter. However, if your information is incomplete or your case has special circumstances that require additional review, your application could be taken to another staff member who will approve your waiver within 14 days of receipt.

If you are applying for a Sewer Waiver under CCC 13.08A.120(3) (certain zoning districts) or CCC 13.08A.120(4) (impractical sewer extension), the application will be taken to another staff member who will approve your waiver within 14 days of receipt.

What if all the required information is not provided?

Applications with incomplete information will be returned to the applicant at the counter.

What kind of public notice is provided?

There is no public notice required for this type of review.

Can the decision be appealed?

The Planning Director's decision may be appealed to the County Hearings Examiner by the applicant or other person or group. An appellant must submit an appeal application and **\$1009** fee within 14 calendar days after the written notice of the decision is mailed.

How long is the decision on a sewer waiver valid?

Sewer waivers are valid for a period of one year if not associated with any other action. When such a decision is made in conjunction with another application (e.g., short plat, subdivision, or site plan), the decision is valid for the same period as the decision on the related application.

Note: This handout is not a substitute for county code. For more detailed information, please refer to Clark County Code 13.08A (Sewerage Regulations).

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.clark.wa.gov>**

SEWER WAIVER DECISION FOR STRUCTURES

Form DS1426 Revised 3/20/02



Case Number: _____

Applicant Name: _____

Sewer Waiver Address: _____

Staff Use Only:

No increase in effluent production

| | | |
|-------|----|--|
| Yes * | No | Is the new structure an alteration, expansion or replacement of an existing structure which will not entail a material increase in sewerage effluent production? <small>* If yes, proceed to the DECISION section of this form.</small> |
|-------|----|--|

No effluent facilities

| | | |
|-------|----|---|
| Yes * | No | The new structure will not lawfully incorporate any sewerage effluent facilities. <small>* If yes, proceed to the DECISION section of this form.</small> |
|-------|----|---|

Zoning

| | | |
|-------|----|--|
| Yes * | No | The new structure is located within an urban holding or contingent zoning district, the regulations for which do not otherwise require connection to public sewer; <small>* If yes, proceed to the DECISION section of this form.</small> |
|-------|----|--|

Impractical extension

| | | |
|--------|----|---|
| | | The new structure is for: (choose one applicable) |
| Yes ** | No | Single Family Residence |
| Yes ** | No | Duplex Residence |

| | | |
|---|----|---|
| Yes ** | No | Triplex Residence |
| Yes ** | No | Other use generating a projected effluent flow of not more than One thousand (1,000) gallons per day per acre, |
| <u>AND</u> | | |
| Yes ** | No | This use does <u>not</u> generate hazardous/dangerous waste, as defined by applicable federal, state or local laws. (Note: a "No" answer means the sewer waiver cannot be approved)**** |
| ** PROVIDED AT LEAST ONE OF THE FOLLOWING APPLIES: | | |
| Yes *** | No | Public sewer would have to be extended more than three hundred (300) feet; or |
| Yes *** | No | Necessary permission cannot be obtained from intervening landowner(s); or |
| Yes *** | No | Intervening property contains natural or manmade obstructions which make public sewer extension prohibitively expensive or undesirable, such as deep canyons, elevation changes, solid rock impediments, or the necessity to reconstruct existing road or sidewalk improvements (extraordinary reconstruction). |

*** - If you meet one criteria "Yes ***" AND one criteria "Yes ****" then proceed to the DECISION Section of this form.

**** - If any use generates hazardous/dangerous waste, as defined by Federal, State and local law, NO SEWER WAIVER CAN BE APPROVED.

Land Division Sewer Waivers

| | | |
|-------|----|---|
| Yes * | No | Is this application associated with a land division? * If yes, it should be routed for Development Services for Type II processing with the land division. |
|-------|----|---|

DECISION

Based on the information submitted in the application packet, other information in county records, and county staff's review of this request against the applicable standards and criteria in Clark County Code Section 13.08A Sewerage Regulations, THIS APPLICATION IS HEREBY:

☐ **APPROVED, subject to following conditions:**

☐ **1. Time limit**

This waiver is good for a period of 12 months from the date of approval unless in conjunction with another application. If in conjunction with another application, this decision shall be valid for the same period as the decision on the related application pursuant to CCC 13.08A.160.

☐

2. No additional review included

Approval is strictly limited to the use of an on-site septic system for the proposed action. Review of this sewer waiver did not include any zoning review for use, stormwater, nor for site plan criteria. Approval is based solely upon the action being consistent with the criteria in CCC 13.08A.120.

☐

3. Sewer hook-up covenant (City and Hazel Dell Sewer District)

The applicant shall record a "Covenant Running with the land" to the county and sewer purveyor which commits the current and future property owners to participate in a future local improvement district to extend public sewer to the area and to connect to public sewer within twelve (12) months of sewer becoming available. The covenant shall be recorded prior to issuance of the building permit.

☐

4. Annexation agreement (Cities only)

The applicant shall record a "Utility Service Covenant and Annexation Agreement" to the county and city providing sewer which commits the current and future property owners to participate in future annexations when requested. The covenant shall be recorded prior to issuance of the building permit.

☐

5.

☐

6.

☐

DENIED

Reasons:

Staff Signature:

Date:

• Over the counter approval

• Approved after additional staff review

COVENANT RUNNING WITH THE LAND

Form DS1427 Revised 7/24/01

IN accordance with Clark County Code 13.08A the undersigned, on behalf of _____, it's heirs, successors and assigns, hereby agrees to be bound by future local improvement district(s) to extend public sewer and, further agrees to connect to public sewer with payment of required connection fees within twelve (12) months of public sewer becoming available.

The real property encumbered by this covenant is described as:

Parcel Number: _____

Located within the _____ Quarter of Section _____, Township _____ North, Range _____ East of the Willamette Meridian, Washington.

IN WITNESS WHERE OF, the undersigned have executed this Agreement this _____ day of _____, _____.

PROPERTY OWNER (S) SIGNATURE (S)

DATED this _____ day of _____, _____.

STATE OF WASHINGTON)
COUNTY OF CLARK)

On this day personally appeared before me _____
_____ to me known to be the individual(s) described in and
who executed the within and foregoing instrument and acknowledged that he/she
signed the same as free and voluntary acts and deed for the uses and purposes therein
mention.

GIVEN under my hand and official seal this _____ day of _____,
_____.

Notary Public in and for the State of
Washington residing at

**UTILITY SERVICE COVENANT and
ANNEXATION AGREEMENT**

Form DS 1428 to be filed with DS 1427

Revised: 3/11/02

WHEREAS, the undersigned persons own real property which is outside the present city limits of _____, and have requested such property be served with sewer from the City of _____; and,

WHEREAS, it is understood by the undersigned that the provision of city sewer to the land and improvements of the owners must be consistent with policies of the City of _____ relative to such utility service and annexation; and,

WHEREAS, it is recognized that such land as will be served by city sewer is presently intended to ultimately become part of the City of _____ annexation,

NOW, THEREFORE, the undersigned warrants that the signatures subscribed hereupon are those of all legal and equitable owners of and of all persons having a real property interest in the property commonly known as: _____

_____,

And/or legally described as: _____

The County of Clark, State of Washington.

When the City of _____, in its discretion, furnishes sewer to the above-described land, and in consideration of this agreement and as a condition of and in consideration of such furnishing of sewer services, the undersigned and each of them, for himself or herself and for his or her successors in interest, hereby covenant to the City of _____ and also to the present and future owners of any property affected by the furnishing of sewer service to which this covenant relates, that all or any of them will, whenever so requested, sign any letter, notice, petition or other instrument addressed to the city under Chapter 35.13, RCW, initiating, further or accomplishing the annexation to the City of _____ of the area contiguous to the city in which the above-described land to the City of _____ is located. It is understood that the covenant will apply whether or not such annexation involves the assumption by the area to be annexed of the existing City of _____ indebtedness and other lawful conditions as the city will lawfully impose.

Nothing in this covenant will be deemed to enlarge, diminish or qualify the exercise of rights and powers of the City of _____ in the premises.

The undersigned further agree that this covenant will run with the above-described land and may be, as city expense, filed by the city in the real estate records of the Auditor of Clark County.

This covenant is signed to secure the benefit of such city utility service.

(Signature)_____ Dated this _____ day of _____ 200_

DEVELOPMENT REVIEW APPLICATION FORM

(Form DS1400-Revised 2/19/02)



| | | |
|--|----------------|------------------------------|
| PROJECT NAME: | | |
| TYPE(S) OF APPLICATION (See Reverse Side): | | |
| DESCRIPTION OF PROPOSAL: | | |
| | | |
| | | |
| APPLICANT NAME: | Address: | |
| E-mail Address: | Phone and Fax: | |
| PROPERTY OWNER NAME (list multiple owners on a separate sheet): | Address: | |
| E-mail Address: | Phone and Fax: | |
| CONTACT PERSON NAME (list if not same as APPLICANT): | Address: | |
| E-mail Address: | Phone and Fax: | |
| PROJECT SITE INFORMATION: Site Address: | | Comp Plan Designation: |
| Cross Street: | Zoning: | Serial #'s of Parcels: |
| Overlay Zones: | Legal: | Acreage of Original Parcels: |
| Township: | Range: | ¼ of Section: |

AUTHORIZATION

The undersigned hereby certifies that this application has been made with the consent of the lawful property owner(s) and that all information submitted with this application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request. This application gives consent to the County to enter the properties listed above.

Authorized Signature

Date

| | | |
|--|---------------------------|--|
| Assigned at Customer Service Center | CASE NUMBER: | |
| | WORK ORDER NUMBER: | |

APPLICATION TYPES

If you have any questions regarding the type of application being requested, our Customer Service Center will be happy to assist you.

- ☐ Annual Review
- ☐ Appeal
- ☐ Boundary Line Adjustment and Lot Reconfiguration
- ☐ Conditional Use

Environmental/Critical Areas:

- ☐ Archaeological
- ☐ Critical Aquifer Recharge Area (CARA)
- ☐ Columbia River Gorge
- ☐ Forestry + (Moratorium Waiver, Moratorium Removal, Class I, Class IVG or COHP)
- ☐ Floodplain
- ☐ Geological
- ☐ Habitat
- ☐ Historic
- ☐ SEPA
- ☐ Shoreline
- ☐ Wetland

Land Division:

- ☐ Binding Site Plan
- ☐ Final Plat
- ☐ Plat Alteration
- ☐ Short Plat
- ☐ Subdivision

Miscellaneous:

- ☐ Addressing
- ☐ Accessory Dwelling
- ☐ Covenant Release
- ☐ Garden Shed Setback Waiver
- ☐ Home Occupation
- ☐ Legal Lot Determination & Innocent Purchasers Determination
- ☐ Non-Conforming Use Determination
- ☐ Reconstruct Letter
- ☐ Sewer Waiver
- ☐ Shooting Range
- ☐ Sign

Planning Director Review:

- ☐ Post Decision
- ☐ Pre-Application Conference
- ☐ Pre-Application Waiver
- ☐ Public Interest Exception
- ☐ Similar Use
- ☐ Temporary Use
- ☐ Other

- ☐ Planned Unit Develop/Master Plan
- ☐ Road Modification
- ☐ Site Plan
- ☐ Variance
- ☐ Zone Change